

AFFIDAVIT

Your Affiant, Mark Adams, deposes and states:

1. Your Affiant is a Task Force Officer (“TFO”) on the Violent Crime Task Force (“VCTF”) with the Federal Bureau of Investigation (“FBI”) in Cleveland, Ohio and has been since 2007. Prior to that, Affiant has been employed as a Sheriff’s Deputy with the Cuyahoga County Sheriff’s Department since 2001. As a TFO, Affiant has received a special deputization from the U.S. Marshals and is authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States. Through the FBI, working as a federal law enforcement officer who is engaged in enforcing the criminal laws, Affiant has received training related to the investigation of federal crime to include violent crime, firearms offenses, fugitive investigations, and bank robberies. Affiant is empowered to conduct investigation of and to make arrests for federal offenses, *see* 18 U.S.C. § 3052. At all times during this investigation described in this affidavit, Affiant has acted in an official capacity as a Task Force Officer of the FBI.
2. Affiant has participated in all of the usual methods of investigation, including, but not limited to, physical surveillance, the questioning of witnesses, and the analysis of evidence. Affiant has participated in the execution of arrest and search warrants resulting in the seizure of illegal weapons, drugs, currency, and stolen property.

PROBABLE CAUSE

3. On Tuesday, July 11, 2018, at approximately 10:53a.m., at the Ohio Savings Bank, 720 Richmond Road, Richmond Heights, Ohio, two unidentified black males exited a black Chrysler Pacifica with one black male driver and attempted to rob the bank. As described

by bank security guard, the black van backed into the parking spot directly in front of the bank doors which raised her suspicion. Two black males exited the van with their hooded sweatshirts cinched tight and put t-shirts over their faces as masks. According to the security guard, these males then began reaching into their sweatshirt pockets; she believed they were reaching for guns. The guard stated at this time the two males turned and began to approach the front doors to the bank. She believed these males were going to rob the bank and locked the doors before they could gain entry. The guard stated as she locked the doors one of the males turned to the other male and shook his head. The males then retreated and got back into the waiting vehicle.

4. The black Chrysler Pacifica sped off and traveled down Donald Avenue in Richmond Heights. Detectives with the Richmond Heights police were notified by bank employees of the attempted robbery. Richmond Heights police then put out a BOLO (Be On the Look Out) for surrounding police agencies. The responding Richmond Heights Police Department officers were unsuccessful in locating the subjects. The bank security guard further described the two males that approached the doors as younger black males, skinny in stature, 5'6"-5'9" in height, one was wearing all black and the other was wearing a gray and black hooded sweatshirt.
5. Approximately one hour after the above incident in Richmond Heights, Cleveland Heights Police were dispatched to Loan Max Title Loans located at 13216 Cedar Road in Cleveland Heights, Ohio for an armed robbery by two black males. The 2 males (1 wearing a black sweatshirt and 1 wearing a gray hooded sweatshirt) with their faces covered and gloves on entered the Loan Max. Once inside the store one suspect produced a black semi-auto handgun (UNSUB 1) and pointed it at an employee while the other

suspect (UNSUB 2) hopped the counter. UNSUB 1 told the employee not to touch anything. UNSUB 2 jumped the counter with a gray shopping bag and directed the employee to open the cash register. In fear for her life she complied with the demands made from UNSUB 2 that hopped the counter. UNSUB 2 took the money out of the cash register totaling \$128 and jumped back over the counter, both UNSUBs then exited the Loan Max.

6. As Cleveland Heights Police were responding to the Loan Max robbery they spotted the black Chrysler Pacifica, the same vehicle that was the subject of a BOLO put out to local agencies by Richmond Heights police. Cleveland Heights police got behind the reported stolen black Chrysler Pacifica which ran a red light and began to flee from police at a high rate of speed. Several Cleveland Heights Police cruisers followed the vehicle into East Cleveland where it crashed at the intersection of North Lockwood and Phillips Road. Three suspects ran from the Chrysler Pacifica. After a short foot chase one suspect, Otis Pamplin, was arrested. A loaded, Taurus Millennium, 9 mm handgun was recovered at a home on Melbourne Avenue (one house west of the vehicle crash site). A civilian who lived at the house indicated one of the subjects who had fled from the vehicle threw it down in the bushes.
7. PAMPLIN was transported to Cleveland Heights Police department for processing and interview. PAMPLIN in his video and audio recorded interview confessed to his involvement in the attempted robbery of the Ohio Savings Bank located at 720 Richmond Road in Richmond Heights, Ohio. PAMPLIN stated it was their plan to rob the Ohio Savings Bank. PAMPLIN was shown a photo of the semi-auto handgun that was

- recovered after the police chase. PAMPLIN stated that is was exactly like the gun that was used during the robbery and he believed it could have been a Taurus 9mm.
8. Within and near the outside of the crashed Chrysler Pacifica, three cell phones were recovered. During his interview, PAMPLIN confirmed which phone was his by unlocking it and using it to call his mother. PAMPLIN consented to a search of his cellphone and was shown a conversation he had the night before the robbery with a contact named "KYLE".
 9. During the arrest of JOSEPH KYLE SANDERS (SANDERS) on July 12, 2018, a cellular phone was recovered. The number attached to the conversation from PAMPLIN's phone to "KYLE" was called; the phone recovered on July 12, 2018 during SANDERS' arrest rang.
 10. The conversation in PAMPLIN's phone with SANDERS confirms that the plan is still on for the following day. In the conversation SANDERS confirms the plan is good and asks PAMPLIN if he has a vehicle. PAMPLIN confirms he has a vehicle.
 11. PAMPLIN confirms with investigators that SANDERS is his cousin. PAMPLIN showed investigators on Google maps the address at which SANDERS lives.
 12. PAMPLIN states that SANDERS drove the stolen van during the robbery attempt in Richmond Heights and that SANDERS provided the semi-auto handgun to a juvenile, R.E., to brandish during the robbery. PAMPLIN stated he never had possession of the handgun during the robbery attempt and it was in the possession of R.E.
 13. PAMPLIN stated as he and R.E. exited the van and approached the front doors of the bank and noticed the security guard lock the door. They returned to the van and left the

area. R.E. provided the handgun back to SANDERS, who carried it in his lap as he drove.

14. PAMPLIN stated SANDERS drove to Loan Max, 13216 Cedar Road in Cleveland Heights, Ohio. Once there, PAMPLIN and R.E. took the hand gun back from SANDERS and entered the Loan Max. Both parties that entered the Loan Max were wearing similar clothing description as described by MITCHELL at Ohio Savings Bank.
15. PAMPLIN stated R.E. brandished the handgun at the employee and PAMPLIN hopped the counter to deal with the employee and take the money from the cash register. Audio and video surveillance video captured the robbery inside Loan Max. The video shows one male enter and produce a black semi-auto handgun and give commands to an employee, while the other suspect hops over the counter and grabs the money out of the register.
16. PAMPLIN and R.E. exited the Loan Max and ran back to the van. Shortly after leaving the Loan Max, Cleveland Heights police got behind the stolen van. SANDERS, as the driver, fled from law enforcement until the vehicle crashed in East Cleveland.
17. Cleveland Heights police obtained an arrest warrant for JOSEPH KYLE SANDERS. On July 12, 2018, Cleveland Heights police, along with members of the FBI Violent Crime Task Force, effected the arrest of SANDERS at his residence of 1747 Avalon Road in Cleveland, Ohio. SANDERS was transported to Cleveland Heights police department for processing and interview.
18. In his interview SANDERS confessed to being the driver in both the Ohio Savings Bank attempted robbery and the in the Loan Max armed robbery in Cleveland Heights, Ohio.


19. SANDERS also was shown a photograph of the weapon recovered after the vehicle crash, SANDERS stated that it looked like the gun he saw the other male with during the two robberies.
20. During his interview, SANDERS confirmed which phone was his by unlocking it and using it to call his mother.
21. SANDERS was asked how he eluded capture after the vehicle crash in East Cleveland. He stated after the crash he ran straight up the street onto Superior Avenue and then went to the intersection of Superior and Euclid Avenue in East Cleveland.
22. A search warrant was obtained for SANDERS' phone which revealed a GPS location at 12:00 p.m. on Bender Avenue. Bender Avenue is one street over from where the vehicle crash was and approximately 8 minutes after the robbery at Loan Max.
23. When asked if the gun used in the robberies was real, SANDERS indicated it had to be because no one would rob a bank with a fake gun.

INTERSTATE NEXUS DETERMINATION

24. Your Affiant states that the attempted taking of money on July 11, 2018, at approximately 10:53a.m., was from the custody, control or possession of Ohio Savings Bank, a financial institution the accounts of which were then insured by the FDIC Federal Deposit Insurance Corporation.
25. Your Affiant states that the taking of money on July 11, 2018, at approximately 11:50a.m., was from the custody, control or possession of Loan Max, a financial institution with a nationwide presence and also affected commerce and/or the movement of any article or commodity in commerce.

CONCLUSION

26. Based on the above listed facts and circumstances your Affiant believes and asserts that there is probable cause to believe that on July 11, 2018, in the Northern District of Ohio, OTIS PAMPLIN and JOSEPH KYLE SANDERS did by force and violence, or by intimidation take, or attempt to take, from the person or presence of another, or obtain or attempt to obtain by extortion any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association, in violation of Title 18, U.S.C., Section 2113(a), and did attempt, in the commission of the offense to assault any person, or put in jeopardy the life of any person by the use of a dangerous weapon or device, in violation of Title 18, U.S.C., Section 2113(d).
27. Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal. PAMPLIN and SANDERS, during and in relation to crimes of violence, which may be prosecuted in a court of the United States, to wit: Interference with Commerce by Means of Robbery, in violation of Title 18, United States Code Section 1951(a), did aid and abet another, who did brandish said firearm, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.


Mark Adams, Task Force Officer
Federal Bureau of Investigation

This affidavit was sworn to by the affiant by telephone after a PDF was transmitted by email, per Crim R. 41(d)(3).



William H. Baughman, Jr.

William H. Baughman, Jr.
United States Magistrate Judge

Aug 6, 2018